

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION AT JACKSON

ANGELA CREAMER, AS NEXT
FRIEND AND NATUAL MOTHER
OF HER MINOR CHILD, C.C., IN HIS
INDIVIDUAL CAPACITY

PLAINTIFF

VS.

CIVIL ACTION NO. 3:19-cv-62-HTW-LRA

EDGEWOOD TERRACE, LLC
D/B/A EDGEWOOD TERRACE APARTMENTS;
MULTIFAMILY MANAGEMENT, INC., REBA ALFRED,
INDIVIDUALL; AND JOHN DOES 1-9

DEFENDANTS

AGREED ORDER TO REMAND

The above-styled and numbered cause came before this Court at the request of all parties pursuant to an agreement reached as to remand of this matter. The Court notes the agreement of the parties, as evidenced by the signatures below of their respective counsel and, as agreed to by the parties, the Court finds the following:

Defendant Multifamily Management, Inc. removed this case from the Circuit Court of Hinds County, First Judicial District, on January 23, 2019, on the basis of diversity jurisdiction, pointing out that the amount in controversy exceeds \$75,000 and all correctly named defendants were diverse. Defendant Multifamily Management, Inc. attached a declaration from Patrick J. Coffey to its Notice of Removal, attesting that the Plaintiff had named Edgewood Terrace, LLC d/b/a Edgewood Terrace Apartments and Reba Alfred incorrectly as owners/ manager of the Edgewood Terrace Apartment complex that was the subject of the lawsuit. As such, Mr. Coffey's declaration went on to name the correct owners of the Edgewood Terrace Apartment complex as Azalea Park Apartments, LLC; Autumn Trace GN, LLC, Bandywood Apartments, LLC,

Teakwood D, LLC, Teakwood Dajon, LLC, Teakwood J, LLC. As such, the Plaintiff filed a Motion for Leave to Amend Complaint to add the correct owners as Defendants along with the actual property manager, Marlene Collins. Multifamily Management, Inc. filed a response in opposition and the Plaintiff filed a rebuttal asserting that Defendant Multifamily Management, Inc. had not established that true diversity existed between the Plaintiff, a Mississippi resident, and the correctly identified owners of the Edgewood Terrace Apartment complex. On February 25, 2019, this Court entered an Order directing Defendant Multifamily Management, Inc. to provide proof of citizenship for the newly identified owners of the Edgewood Terrace Apartment complex. On February 27, 2019, Multifamily Management, Inc. responded to the court's order and advised that it had obtained information that some of the owners of the complex were owned in whole or in part by entities whose citizenship would destroy diversity jurisdiction. Multifamily Management, Inc., conceded that once the new owners are added by amendment, this Court will lack subject matter jurisdiction and that the case should be remanded to state court.

IT IS THEREFORE ORDERED AND ADJUDGED that this matter will be remanded to the Circuit Court of the First Judicial District of Hinds County, Mississippi.

SO ORDERED this the 13th day of April, 2019.

s/ HENRY T. WINGATE
UNITED STATES DISTRICT COURT JUDGE

AGREED BY:

s/ William M. Vines
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